

STATE PROPERTIES COMMITTEE MEETING

TUESDAY, FEBRUARY 16, 2010

The meeting of the State Properties Committee was called to order at 10:04 a.m. by Chairman Kevin M. Flynn. Other members present were Robert Griffith representing the Rhode Island Department of Administration; Richard Woolley representing the Rhode Island Department of Attorney General; John A. Pagliarini, Jr., and Mr. Robert W. Kay, Public Members; and Xaykham Khamsyvoravong representing the Rhode Island Office of the General Treasurer, Ex-officio Member. Others in attendance were Meredith Pickering from the Rhode Island Senate Fiscal Office; Lisa Primiano and John Faltus from the Rhode Island Department of Environmental Management; Paul Carcieri, Bruce Cadden, Colleen Kerr, Eva Bernardo, Leroy Archibald, Susan Howe and Gilbert Bricault from the Rhode Island Department of Transportation; Frank Di Maio and Ted Polak from the John E. Fogarty Center; and Katherine Trapani from the Quonset Development Corporation.

Chairman Flynn noted for the record that the State Properties Committee did have a quorum present.

A motion was made to approve the meeting minutes from the meeting of November 24, 2009, as amended, by Mr. Pagliarini and seconded by Mr. Griffith. Said motion passed four (4) votes "Aye" with one abstention.

Four (4) Votes "Aye"

Mr. Griffith

Mr. Woolley

Mr. Pagliarini

Chairman Flynn

One (1) Abstention

Mr. Kay

A motion was made to approve the meeting minutes from the meeting of

December 8, 2009, as amended, by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

A motion was made to approve the meeting minutes from the meeting of

February 2, 2010, as amended, by Mr. Pagliarini and seconded by Mr. Griffith. Said motion passed four (4) votes “Aye” with one abstention.

Four (4) Votes “Aye”

Mr. Griffith

Mr. Woolley

Mr. Pagliarini

Chairman Flynn

One (1) Abstention

Mr. Kay

ITEM A – Department of Mental Health, Retardation and Hospitals – A request was made for approval of and signatures on a Quit Claim Deed by and between the Department of Mental Health, Retardation and Hospitals (the “Department”) and the John E. Fogarty Center (the “Fogarty Center”) conveying property located at 492 South Main Street in the City of Woonsocket. Mr. Grenon explained that on January 19, 2010, the State Properties Committee granted the Department’s request for conceptual approval to convey the subject property. Mr. Grenon indicated that the Department is back before the Committee today requesting final approval and execution of the Quit Claim Deed. Mr. Grenon stated that the property will be renovated and utilized as permanent housing for approximately ten (10) displaced veterans. A motion to approve was made by Mr. Woolley and seconded by Mr. Pagliarini.

Passed Unanimously

ITEM B – Department of Environmental Management – A request to review and discuss the results of the Request for Proposals for a five (5) year Concession Contract for the operation, management and collection of parking fees at State operated beaches and for authorization to award said contract. Item B is deferred to a future meeting of the State Properties Committee.

ITEM C – Department of Environmental Management – A request was

made for approval of and signatures on a License Agreement with Authorization to Serve Alcoholic Beverages by and between the Department of Environmental Management and the Fort Adams Foundation and Trust in conjunction with the James J. Maher Center and the Cranston ARC to hold a fund-raising concert with a VIP Reception on Friday, June 25, 2010, with a rain date of Saturday, June 26, 2010. Mr. Faltus explained that this is the first of several annual requests the Department receives through the Fort Adams Foundation and Trust for events it wishes to hold at Fort Adams State Park with Authorization to Serve Alcoholic Beverages. This event is a fund-raising concert to benefit the James J. Maher Center and the Cranston ARC. Mr. Faltus stated that the appropriate Certificate of Insurance including host liquor liability has been submitted to the Department and remains in full force and effect until January 2011. A motion to approve was made by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

ITEM D– Department of Environmental Management – A request was made for approval of and signatures on a Conservation Easement over a .14 acre parcel of land located at East Beach in the Town Charlestown; referred to as the East Beach Property. Ms. Primiano stated that the Department is seeking approval to accept the donation of a conservation easement over a very small parcel of land on East Beach. Ms. Primiano presented a location map for the Committee's review and illustrated the location of the subject property. Ms. Primiano explained that four (4) years ago the Department acquired

an easement over approximately fifty (50) abutting acres of protected land and the subject property is simply a small addition to that acquisition. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

ITEM E – Department of Environmental Management – A request was made for

approval of and signatures on a Deed to Conservation Easement by and between the Department of Environmental Management and Carolyn Hoxsie & Georgiana Brennan over 117 acres of land located along Main Street in the Town of Hopkinton; referred to as the Hoxsie Property. Ms. Primiano stated that the Forest Legacy Program provided one hundred (100%) percent of the funding for this acquisition. The landowners are donating ten (10%) percent of the purchase price to the Department. Once the Deed to Conservation Easement is finalized, the property will be purchased and managed by The Nature Conservancy and will be open to the public. Ms. Primiano illustrated the location of the trail systems and the unique features of the property for the Committee using a site map. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

ITEM F – Department of Transportation – A request was made for approval of and signatures on a Quit Claim Deed by and between the

Quonset Development Corporation and the Department of Transportation conveying 32,787 square feet of land located within the Quonset Business Park on Gate Road in the Town of North Kingstown. Ms. Kerr explained that the subject property was being conveyed by the Quonset Develop Corporation to the Department in concurrence with Physical Alteration Permit No. 071127-A to construct roadway improvements and improvements to an existing roundabout within the Quonset Office Park. Ms. Kerr indicated that at this time, the Department is seeking approval and execution of the Quit Claim Deed. Ms. Kerr and Ms. Trapani clarified the exact location of the subject property for the Committee. Mr. Woolley noted that the property comprised myriad encumbrances and asked if the Department of Transportation is agreeable to obtaining said property subject to these preservation requirements. Ms. Kerr stated that the Quit Claim Deed was reviewed and approved by the Department's Legal Division. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Kay.

Passed Unanimously

ITEM G – Department of Transportation – A request was made for approval of and signatures on four (4) Temporary Use Agreements by and between the Department of Transportation and (1) Dennis R. and Nancy M. Martin; (2) Michael Bento; (3) Kevin C. and Theresa A. Martin; and (4) Ann A. Post, Jessica P. Reis and Rebecca A. Post relative to the 1R Highway Improvements to South Main Street (Route 114) in the Town of Warren. Ms. Kerr indicated that before the

Committee today is four (4) executed Temporary Use Agreements to allow the Department to gain access onto privately owned property in order to construct new sidewalks as the trees on the property are uprooting the sidewalks. Ms. Kerr stated that in accordance with the requirements of the Americans with Disabilities Act, the Department is obligated to repair the same. The property owners have executed said Agreements to allow the Department to access the property without compensation. Mr. Griffith asked if the Department would have to remove the trees. Ms. Kerr explained that the Department will work around the trees utilizing tree protection devices. A motion was made to approve by Mr. Kay and seconded by Mr. Woolley.

Passed Unanimously

ITEM H – Department of Transportation – A request was made for approval of and signatures on a Temporary Use Agreement by and between John W. Hagan and Alice N. Hagan and the Department of Transportation for use of property located at 440 East Road in the Town of Tiverton. Ms. Kerr explained that this Temporary Use Agreement is part of a Statewide Drainage Improvement Project. Ms. Kerr explained that water gathers on the subject property causing hydroplaning. The Department intends to re-grade the road and match up the private property owners existing driveway with the road.

The property owners have executed the Agreement and have agreed to the condition that no compensation shall be paid for said temporary use. A motion was made to approve by Mr. Woolley and seconded by Mr. Griffith.

Passed Unanimously

ITEM I – Department of Transportation – A request was made for approval of and signatures on a Grant of Easement Agreement by and between the Department of Transportation and the City of Newport over approximately 72,000 square feet of land located adjacent to the Newport Secondary Railroad Line in the City of Newport.

Mr. Cadden explained that the Grant of Easement Agreement will allow the City of Newport to make improvements to an existing sewerline. Mr. Cadden stated that said easement is perpetual and non-exclusive and the Agreement is revocable at will. The City of Newport intends to reline the sewers and place manhole covers along the Newport Secondary Line. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Griffith.

Passed Unanimously

ITEM J – Department of Transportation – A request was made for approval of and signatures on a License Agreement by and between the Department of Transportation and Chevron U.S.A., Inc. for the use of 10.1 acres of land located along Veterans Memorial Parkway in the City of East Providence. Ms. Bernardo presented a map and an aerial photograph of the subject property. Ms. Bernardo illustrated that exact location of the property and noted that it is eighty (80') feet wide and one hundred fifty-five (155') feet in length. Mr. Bernardo stated that Chevron wishes to utilize the area for environmental remediation, which will include grubbing, remedial design investigations, test pits,

monitoring wells and soil borings. The License Agreement is for a term of two (2) years and is being granted gratis by the Department subject to the Committee's approval. Ms. Bernardo noted that the environmental remediation activities are being compelled by the Department of Environmental Management. Chairman Flynn stated that he assumes that Chevron will be conducting remediation work on the entire area, part of which is controlled by the Department of Transportation, as this is one of the most important real estate developments in the City of East Providence. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM K – Department of Transportation – A request was made for approval of and signatures on a Right of Entry for Construction Agreement by and between the Department of Transportation and the United States Army Corps of Engineers in conjunction with the Woonsocket Flood Reduction Project. Mr. Archibald explained that the United States Army Corps of Engineers has requested a Right of Entry Agreement relative to two (2) parcels of land located in the vicinity of the Blackstone River in the City of Woonsocket. The parcels consist of 6,075 square feet of land. The United States Army Corps of Engineers wishes to use the land for the placement of sheds, equipment and possibly for the landing of helicopters in conjunction with the Woonsocket Flood Reduction Project. Mr. Archibald stated that the land will be patrolled and policed by the United States Government. Mr. Archibald stated that in the event of

any damage to the subject property, the United States Army Corps of Engineers will repair said damage or “make an appropriate settlement” with the Owner. Chairman Flynn asked who is responsible for the maintenance of the subject property. Chairman Flynn noted that recently an item came before the Committee, which involved the United States Army Corps of Engineers taking over the Fox Point Hurricane Barrier. Mr. Archibald stated that in accordance with the Agreement, the United States Army Corps of Engineers is responsible for maintaining the subject property. Chairman Flynn asked if they have been responsible for maintaining the property in the past. Mr. Carcieri explained that the United States Army Corps of Engineers is a rather peculiar grantee, in that the Department is not able to maintain the standard level of control it desires in other transactions. Mr. Carcieri explained that what happened with regard to the Fox Point Hurricane Barrier had to do with a formal transfer of the Barrier property from the City of Providence to the United States Army Corps of Engineers; therefore, they will be the grantee of said property in the future. However, Mr. Carcieri explained that in this instance, the United States Army Corps of Engineers will be providing maintenance over the property for a term of two (2) years. In the past, the United States Army Corps of Engineers has agreed to language to invoke the Federal Torts Claim Act; whereby, in the event of any damage they are solely responsible for the cost to repair said damage subject to approval by Congress. Mr. Carcieri stated that his best answer to Chairman Flynn’s question is a “qualified yes.” The United States Army Corps of Engineers will maintain the property, but if any

damage is caused, beyond routine maintenance, it is then up to the vagaries of Congress to determine whether or not to the State is granted the

appropriations. Mr. Carcieri stated that the standard terms and conditions differ from those of other tenants; however, this is the reality when the tenant is the United States Army Corps of Engineers. A motion was made to approve by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

ITEM L– Department of Administration – A request for conceptual approval to sell 12,357 square feet of State-owned land located at 1615 Pontiac Avenue in the City of Cranston to 1615 Pontiac Avenue Condominium Associates. Item L is deferred to a future meeting of the State Properties Committee.

There being no further business to come before the State Properties Committee, the meeting was adjourned at 10:26 a.m. A motion was made to adjourn by Mr. Pagliarini and seconded by Mr. Woolley.

Passed Unanimously

Holly H. Rhodes, Executive Secretary